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COUNCIL JOURNAL

OF THE

EXTRAORDINARY SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID TERRITORY, ON SATURDAY, DECEMBER 14, A. D. 1867, AND CONCLUDED DECEMBER 24, A. D. 1867.

HELENA, MONTANA TERRITORY:
MONTANA POST PUBLISHING COMPANY.
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1869.

FEDERAL OFFICERS.

Governor,

GREEN CLAY SMITH, ... VIRGINIA CITY.

Secretary,

JAMES TUFTS, ... VIRGINIA CITY.

Judiciary,

1st District—HEZEKIAH L. HOSMER, *Chief Justice,* VIRGINIA CITY.
2d District—LORENZO P. WILLISTON, *Associate Justice,* DEER LODGE.
3d District—LYMAN E MUNSON, *Associate Justice,* HELENA.

U. S. District Attorney,

J. S SLATER, ... VIRGINIA CITY.

U. S. Marshal,

NEIL HOWIE, ... HELENA.

Collector of Customs,

JOHN X. BEIDLER, ... HELENA.

TERRITORIAL OFFICERS.

Auditor,

WILLIAM H. RODGERS, ... VIRGINIA CITY.

Treasurer,

W. G. BARKLEY, ... VIRGINIA CITY.

Sup't Public Instruction,

T. F. CAMPBELL, ... HELENA.

Prison Commissioners,

FRANK WELLS, ... RADERSBURG.
THOMAS L. IRWINE, ... DEER LODGE.
PHILIP E. EVANS, ... SHERIDAN.

Prison Warden,

THOMAS B. WADE, ... VIRGINIA CITY.

MEMBERS OF THE COUNCIL.

CHAS. S. BAGG, *President.*
JOHN W. CORUM.
W. E. CULLEN.
ALEXANDER DAVIS.
SAMPLE ORR.
JASPER RAND.
THOMAS WATSON.

THOMAS B WADE, *Secretary.*
C. C. MENAUGH, *Assistant Secretary.*
H. H. SHOWERS, *Engrossing Clerk.*
D. B. JENKINS, *Enrolling Clerk.*
STEPHEN R. ELWELL, *Serg't-at-Arms.*
JOHN THOMPSON, *Doorkeeper.*
RT. REV. BISHOP D. S. TUTTLE, *Chaplain.*

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

W. STEWART, *Speaker.*
J. M. ANDERSON.
N. C. BOSWELL.
H. R. COMLY.
W. H. EDWARDS.
JAMES GALLAHER.
H. A. KENNERLY.
F. E. W. PATTON.
J. W. RHODES.
JNO. A. SIMMS.
W. TENNANT.
J. R. WESTON.
SAM. WORD.

A. H. BARRETT, *Chief Clerk.*
F. A. SHIELDS, *Assistant Clerk.*
J. G. McLAIN, *Engrossing Clerk.*
WILLIAM BUTTS, *Enrolling Clerk.*
O. P. THOMAS, *Serg't-at-Arms.*
H. J. HILL, *Doorkeeper.*

COUNCIL JOURNAL.

EXTRAORDINARY SESSION.

FIRST DAY.

DECEMBER 14, 1867.

GOVERNOR'S PROCLAMATION.

WHEREAS, By an Act of Congress, approved March 2d, 1867, the laws of the second and third session of the Legislature of Montana Territory were declared null and void; and,

WHEREAS, The regular session of the Legislature is limited by the Organic Act to forty days, and it appears that time sufficient is not allowed to complete the necessary business, or enact certain laws absolutely needed; now, therefore,

I, GREEN CLAY SMITH, Governor of the Territory of Montana, by authority vested in me by law, do call an Extraordinary Session of the Legislature of Montana, to begin its session at 12 M., on Saturday, the 14th day of December, 1867, and continue in session not to exceed ten days.

In testimony whereof, I have hereunto set my hand, and caused the seal of the Territory to be affixed. Done at Virginia City, this the 13th day of December, 1867, and of the Independence of the United States of America, the ninety-second.

[SEAL.]

GREEN CLAY SMITH.

By the Governor:

JAMES TUFTS,
Secretary of Montana Territory.

In obedience to the above Proclamation, the members of the Council assembled at their Chamber, in Virginia City, Montana Territory, on the fourteenth day of December, A. D. 1867.

The President called the Council to order at 12 M.

Roll called—Mr. Davis absent.

On motion of Mr. Rand, the following resolution was unanimously adopted:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, That the officers and attachees of the Council of the fourth session of the Montana Legislature be, and the same are hereby declared the officers and attachees of the present extra session.

On motion of Mr. Corum, the following resolution was unanimously adopted:

Resolved, That the House be informed by the Chief Clerk of the Council that the Council is in session and a quorum present, and are willing to meet the House in their room, in joint convention, at 2 o'clock this afternoon, to receive any communication the Governor may desire to make to the Legislative Assembly. December 14, 1867.

On motion of Mr. Watson, the following resolution was adopted:

Resolved, By the Council of the Legislative Assembly of Montana, That the rules of the fourth session of this Council be, and the same are hereby adopted as the rules of this extra session.

A communication from the House, through Mr. Shields, announcing that the House was organized and ready to proceed to business.

Mr. Rand gave the following notice:

MR. PRESIDENT—On some future day I will introduce a bill for an act, entitled "An Act to authorize the probate judge of Deer Lodge county to hold terms of court at Phillipsburg."

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—Mr. Davis absent.

There being no objections, Mr. Davis was excused from attendance to-day.

A communication from the House, through Mr. Shields, announcing that Mr. Word offered the following resolution:

Resolved, That the rules for the fourth session of the Legislative Assembly of the Territory be, and the same are hereby adopted as the rules of this session.

That, on motion of Mr. Anderson, the same standing committees were approved.

That Mr. Word offered the following resolution:

That all the officers of the House, of the fourth session of the Legislative Assembly of the Territory of Montana, that were in office at the adjournment of said session, be, and the same are hereby chosen to discharge the duties of their respective positions during the extraordinary session.

By Mr. Weston:

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Montana, That a committee of three be appointed by the House to wait upon the Council, and invite them to meet us in joint session, at two o'clock P. M., at the Hall of the House of Representatives, to receive any communication from His Excellency the Governor which he may wish to make.

J. R. WESTON,
J. M. ANDERSON,
W. TENNANT,
Committee.

The President then appointed the same Standing Committees, as those of the fourth session.

The Council then proceeded to the House of Representatives, to meet them in joint convention.

JOINT CONVENTION.

Mr. President in the chair.

Roll called—Messrs. Davis and Simms absent.

The Governor's Proclamation was then read.

On motion of Mr. Word, a committee of three was appointed to wait upon the Governor, and inform him that the Joint Assembly is in session, and ready to hear any communication His Excellency may desire to make.

Whereupon the President announced as such committee, Messrs. Word, Orr, and Tennant.

Mr. Word, chairman, announced His Excellency, who proceeded to deliver his message.

On motion of Mr. Word, the Joint Convention dissolved.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Corum, the Council adjourned until Monday morning, at 10 o'clock.

SECOND DAY.

DECEMBER 16, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called. Absent—Messrs. Davis and Watson.

Journal of Saturday read and approved.

Mr. Rand introduced C. B. No. 1, entitled "An Act providing for holding regular terms of the probate court at Phillipsburg, in Deer Lodge county."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President.

Absent—Messrs. Cullen and Davis.

Title agreed to.

Mr. Rand introduced C. B. No. 2, entitled "An Act to provide compensation to James Tufts, Secretary of Montana."

Read first and second time, and referred to the Committee on Ways and Means.

Mr. Bagg introduced the following resolution:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, the House concurring, That His Excellency be requested to submit his views in relation to "Probate Act," in order to facilitate the passage of the said act at the present session."

On motion of Mr. Rand, the resolution was adopted.

Mr. Corum introduced C. B. No. 3, entitled "An act to provide for the collection of revenue."

Read first and second time, and referred to the Committee of the Whole.

The Council then resolved itself into a Committee of the Whole, to consider C. B. No. 3. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Watson, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—Mr. Davis absent.

The Council resolved itself into a Committee of the Whole, on C. B. No. 3. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Shields, Chief Clerk, announcing that Mr. Word introduced H. B. No. 7, "An Act to regulate proceedings in civil cases in the courts of justice, Montana Territory."

Also, that Mr. Tennant introduced H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana."

Also, that Mr. Rhodes gave notice of the introduction of "A Bill to change the name of Edgerton county."

A communication from His Excellency the Governor, announcing certain appointments.

Whereupon the Council went into executive session, and the following appointments were confirmed:

Notaries Public—Jefferson county, Wellington Stewart; Deer Lodge county, C. B. Robinson.

The executive session then dissolved.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Corum, the Council adjourned until tomorrow morning, at 10 o'clock.

THIRD DAY.

DECEMBER 17, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Mr. Davis absent.

Journal of yesterday read and approved.

The Council then resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

Council resumed its session. Mr. President in the chair.

Communication from the House, through Mr. Shields, announcing that H. B. No. 3, entitled "An Act changing the name of Edgerton county to Lewis and Clarke county," had passed the House.

Also, that Mr. Tennant had introduced H. J. R. No. 2, "Authorizing the Auditor to pay the Superintendent of Public Instruction."

Also, that C. J. R. No. 1, "Asking the Governor for his views on the probate bill," was laid on the table.

On motion of Mr. Cullen, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Mr. Davis absent.

A communication from the House, through Mr. Shields, announcing that Mr. Gallaher had introduced H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana."

H. B. No. 5, "An Act supplementary and amendatory of an act entitled an act to establish the boundary lines of Jefferson county."

Mr. Edwards introduced H. B. No. 6, "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele."

The Council then resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

H. B. No. 3, entitled "An Act to change the name of Edgerton county to Lewis and Clarke county," read first and second time, and referred to a Special Committee of three, consisting of Messrs. Cullen, Corum, and Watson.

H. J. R. No. 1, "Authorizing the Auditor to draw certain warrants," was read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Title agreed to.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

FOURTH DAY.

DECEMBER 18, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Mr. Davis absent.

Journal of yesterday read and approved.

A communication from the House, through Mr. Shields, announcing that—

H. B. No. 6, entitled "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele," had passed the House.

Also, that H. B. No. 7, entitled "An Act to re-enact an act entitled an act to incorporate the Eldorado and Diamond City Wagon Road Company, had passed the House.

Mr. Corum, chairman of the Committee of the Whole, to whom was referred C. B. No. 3, entitled "An Act to provide for the collection of revenue," made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 3, "An Act to provide for the collection of revenue," have duly considered the same, and instructed me to report it back, and recommend its passage, with the following amendments:

In the third section, second line, strike out the word "June," and insert "January."

In same section, subdivision 9th, after the word "ninth" insert "mines and."

Strike out the words "one hundred" wherever they occur in said section, and insert "two hundred and fifty."

And at the end of subdivision 5th, in same section, add the following: "Unless such property as is rented by said societies for other purposes, which shall be taxed as other property."

In section 4, line 15, strike out the word "or" before "whether."

In line 24, strike out "one hundred," and insert, in lieu thereof, "two hundred and fifty."

And at the end of said section, strike out the word "them," and insert "the States."

Transpose section 5 to section 12, and sections 6, 7, 8, 9, 10, 11, 12, to sections 5, 6, 7, 8, 9, 10, and 11.

In section 6, line 20, strike out the words "mortgagor or lessor," and insert "mortgagee or lessee."

And in same section, line 21, strike out the words "mortgagee or lessee," and insert "mortgagor or lessor."

At the end of said section, add the following: "And in all cases said property shall be listed in the name of the owner."

In section 10, line 8, after the word "terminus," strike out "of the structure in this Territory," and insert, in lieu thereof, "of said road."

In same section, 14th line, after the word "residents," strike out "and both the par value and market," and insert instead, the words "the actual," and after the word "stock" in same line, add the words "or shares."

In same section, last line but one, strike out all after the word "assessor," and substitute the following: "The actual value of the road or structure within their respective counties."

In 16th section, 2nd line, strike out "June," and insert January." n same line, strike out the word "first," and insert "last."

In 17th section, 4th line, strike out the word "congressional," and insert "government."

In 18th section, 1st line, strike out the word "April," and insert "March."

In 19th section, 8th line, strike out all after the word "follows," and insert the following, in the place thereof:

"TERRITORY OF MONTANA, } ss.
County of ——, }

"I, A. B., do solemnly swear, that I have listed in the within list, all goods, monies, credits, and all other description of property owned or held by me as principal partner or agent; and that the valuation affixed is the full valuation in money, according to the best of my knowledge. So help me God.

(Signed) A. B."

At the end of section 21, add the following: "And the said assessor shall be entitled to receive, in addition to the per diem allowed, one and one-half per cent. on all taxes, thus collected, as additional fees."

In section 22, line 3, strike out "fifteenth and twenty-fifth days of June," and insert, in lieu thereof, "tenth and fifteenth days of June, and the tenth and fifteenth days of October of each year sufficient."

In 23rd section, 1st line, strike out the word "July," and insert "February."

In 25th section, 11th line, strike out the word "fifteenth," and insert "first."

In section 27, in third line, after the word "name" insert "may."

In 28th section, 1st line, after the word "necessary," add "except as provided in section fifteen of this act."

In section 31, line 1, strike out the word "December," and insert "January."

In 32nd section, 1st line, strike out "February," and insert "March."

In same section, 4th line, after the word "preceding," insert "or any previous."

In 33rd section, 3rd line, strike out "December," and insert "January."

In 34th section, 12th line, after the word "in," add "some public place in."

In same section, 17th line, after the word "year" insert "or years."

In section 36, line 1, strike out "March," and insert "May."

In section 41, last line, after the word "year" insert "after such disability is removed."

At the end of section 42, add "and shall receive two dollars for such services."

In section 43, line 1, strike out the words "two years from the date of the sale," and insert therefor, "the time allowed for the redemption;" and after the word "lands" insert "sold."

In section 44, line 37, after the word "whereas," strike out "two years have," and insert, instead, "the time of redemption having."

At the end of section 46, insert the following: "and the persons herein named shall subscribe to the following oath:

"TERRITORY OF MONTANA, } ss.
County of ——, }

"I, A. B., do solemnly swear, that I have made all necessary statements required by law in this Territory, in relation to the total amount received and produced by me from all sources of every kind or character, with the necessary amount expended in producing the same, to the best of my knowledge. So help me God. A. B."

"And the said assessor shall receive the sum of twelve dollars per day for each day's services actually performed in the discharge of his duties under this act, and said county commissioners shall set apart such sum out of any moneys received into the treasury, for said object."

In section 49, 15th line, strike out "tax collector," and insert "treasurer."

In same section, 16th line, strike out the words "towns or districts."

In section 51, line 1, strike out "from time to time."

In fourth line, strike out "four," and insert "those."

In 9th line, same section, strike out "thereof;" in last line but one, strike out all after the word "clerk."

In section 53, line third, after the word "pay," insert "or cause to be paid."

Insert the following, as section 54:

"The county treasurer of each county in this Territory shall be, by virtue of his office, collector of taxes therein, and shall

perform such other duties in that regard as are prescribed by law."

Strike out section 55, and insert the following, in lieu thereof:

"In addition to the tax required to be levied and collected by the provisions of this act, there shall be levied by the board of county commissioners of each county, at the same time the ad valorem is levied by them, a tax of two dollars upon each male inhabitant of this Territory over the age of twenty-one years and under the age of forty-five years. Such tax shall be denominated a poor tax, and it shall be the duty of the treasurer of such county to collect the same in manner as provided in this act in relation to other taxes, by seizing and selling any property belonging to said inhabitant; and in case the said inhabitant shall have no property which may become seized by the treasurer, the said treasurer may sue for the same, and recover judgment by garnishee, or otherwise, as provided in cases of debt, to be obtained in any court of competent jurisdiction; and the said treasurer shall be allowed twenty per cent. on all such moneys, in case he shall faithfully perform his duties in collecting said tax from each and every inhabitant as herein prescribed: *Provided*, No costs shall be allowed, unless the same can be made out of the delinquent."

I am also instructed to recommend that sections 46, 47, 48, 50, 51 and 52, be transposed and become sections 22, 23, 24, 25, 26 and 27.

All of which is respectfully submitted.

J. W. CORUM,
Chairman of the Committee of the Whole.

On motion of Mr. Rand, the report was adopted, and bill ordered engrossed for third reading.

Mr. Watson, chairman of the Committee on Ways and Means, made the following report:

MR. PRESIDENT—Your Committtee on Ways and Means, to whom was referred C. B. No. 2, "An Act to provide extra compensation to James Tufts, Secretary of Montana," beg leave to report the same back to the Council, with a recommendation that it do not pass.

THOMAS WATSON, *Chairman.*

On motion of Mr. Corum, the report was laid upon the table.

On motion of Mr. Orr, a call of the Council was made—Messrs. Davis and Cullen absent.

Sergeant-at-Arms ordered to bring in absentees.

Sergeant-at-Arms reported Messrs. Davis and Cullen in their seats.

Whereupon, on motion of Mr. Orr, the further call of the Council was dispensed with.

A motion by Mr. Corum, that C. B. No. 2 be considered as engrossed, and passed to third reading, was lost by the following vote:

Ayes—Messrs. Corum, Rand, and Mr. President.

Nays—Messrs. Cullen, Davis, Orr, and Watson.

Mr. Bagg introduced C. B. No. 4, "An Act to amend an act regulating the fees of officers, jurors and witnesses."

Read first and second time, and referred to the Committee on Ways and Means.

Mr. Rand introduced C. B. No. 5, "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

Title agreed to.

H. B. No. 6, "An Act to dissolve the bonds of matrimony existing between H. B. and R. A. Steele," read first and second time, and referred to a Special Committee, consisting of Messrs. Rand, Corum, and Watson.

H. B. No. 7, "An Act to re-enact an act entitled an act to incorporate the Eldorado and Diamond City Wagon Road Company," read first and second time, rules suspended, considered as engrossed, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Watson, and Mr. President.

Nays—Messrs. Orr and Rand.

Title agreed to.

A communication from the Governor, announcing certain appointments.

Whereupon the Council went into executive session. Mr. Corum in the chair.

The following appointments were confirmed: S. R. Elwell, Louis Miller, and Wm. Buffington, as Notaries Public for Deer Lodge county; A. H. Barrett, Notary Public, Jefferson county; A. K. McClure, Notary Public, Madison county.

The executive session then dissolved.

The Council then resumed its session. Mr. President in the chair.

Mr. Orr introduced C. B. No. 6, "An Act to prevent the collection of illegal toll," read first and second time, rules suspended, bill considered as engrossed, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President.

Nay—Mr. Orr.

Mr. Watson excused from voting.

Title agreed to.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—Members all present.

Mr. Rand, chairman of the Special Committee, to whom was referred H. B. No. 6, made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 6, "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele," beg leave to report that they have had said bill under consideration, and after hearing the evidence, have become satisfied that the bill should pass.

JASPER RAND, *Chairman.*

On motion of Mr. Corum, the report was adopted.

On motion of Mr. Rand, the bill was considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

Mr. Watson, chairman of the Committee on Ways and Means, made the following report:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred C. B. No. 4, "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses, approved February 9, 1865," beg leave to report the same back to the Council, with the following amendment:

Insert after the word "same" in section 1st, line 14, "to be allowed by the county commissioners as prescribed by law."

And recommend the passage of the same.

T. WATSON, *Chairman.*

On motion of Mr. Corum, the report was adopted.

On motion of Mr. Cullen, the following amendment was adopted:

"*Provided*, That nothing in this act contained shall be so construed as to interfere in any wise with any item in the subdivision amended not expressly herein named."

On motion of Mr. Rand, the bill was ordered engrossed for a third reading.

Mr. Bagg introduced C. B. No. 7, "An Act providing for the purchase of a suitable safe for the offices of Auditor and Treasurer of Montana Territory."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Rand, Watson, and Mr. President.

Absent—Messrs. Cullen and Orr.

Title agreed to.

Mr. Bagg introduced C. J. R. No. 2, "Authorizing the Auditor to issue certain warrants."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

A communication from the House, through Mr. Shields, announcing that C. B. No. 5 had passed the House.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 5 correctly enrolled.

A communication from the House, through Mr. Shields, announcing that—

C. B. No. 7, "An Act providing for the purchase of a suitable safe for the offices of Auditor and Treasurer of Montana Territory," had passed the House.

C. J. R. No. 2, "Authorizing the Territorial Auditor to issue certain warrants," was indefinitely postponed.

H. J. R. No. 2, "To pay the Superintendent of Public Instruction," was laid on the table.

Mr. Watson introduced C. B. No. 8, "An Act to amend an act entitled an act relating to the support of the poor."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

Mr. Davis introduced C. B. No. 9, "An Act divorcing Rosa V. Van Vlerden and Abram H. Van Vlerden."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Mr. Orr excused.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 4 as correctly engrossed.

Read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Watson, and Mr. President.

Absent—Mr. Rand.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he left with the Governor C. B. No. 5, at 4 P. M., December 18th, 1867.

A communication from His Excellency the Governor:

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved C. B. No. 5, entitled "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier."

Also the following:

EXECUTIVE OFFICE, TERRITORY OF MONTANA,
VIRGINIA CITY, December 18, 1867.

GENTLEMEN—I have just received from Missoula county the following petition, asking for an appropriation of one hundred

and seventy-five dollars to pay freight on "guns," sent to that county the past fall.

I submit the petition, and ask your consideration of the same.

GREEN CLAY SMITH,
Governor.

To the Honorable Legislature of Montana Territory:

The undersigned, on behalf of the county of Missoula, M. T., beg leave to say that in the month of October, 1867, Colonel A. M. S. Carpenter, Chief of Ordnance, M. M., forwarded to this county, per petition of citizens, two stands of arms, ammunition, etc.; that the freight on said arms, etc., from Helena to this place, amounted to "one hundred and seventy-five (175) dollars," as per contract made with Capt. W. S. Scribner, aid, etc., per order of the Governor; that the freight upon said arms, etc., has been paid by this county.

We therefore most respectfully petition your honorable body to make an appropriation, and authorize the County Treasurer of Missoula to refund to said county said sum of one hundred and seventy-five (175) dollars, out of any territorial funds in his hands.

Your petitioners will ever pray.

Missoula, December 2nd, 1867.

C. B. HIGGINS.
H. P. LARRABEE.
J. HALL.
F. H. WOODY.
DAVID PATTEE.
JAMES P. REINHARD.
THOS. M. BRUNY.
ROBERT A. PELKY.
R. R. SMITH.
J. B. BAKER.
And eight others.

On motion of Mr. Bagg, the petition was laid on the table.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

FIFTH DAY.

DECEMBER 19, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Messrs. Davis and Orr absent.

Journal of yesterday read and approved.

A communication from the House, announcing that H. B. No. 1, entitled "An Act to amend an act to regulate proceedings in courts of justice of Montana Territory," had passed the House.

Also, that H. B. No. 8, "An Act amendatory of an act entitled an act concerning crimes and punishments," had passed the House.

Mr. Rand presented a petition from John W. and Louisa M. Winslett, praying for a divorce from the bonds of matrimony existing between them.

Mr. Cullen, chairman of the Special Committee, to whom was referred H. B. No. 3, made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 3, entitled "An Act changing the name of Edgerton county to Lewis and Clarke county," beg leave to report that they have had the same under consideration, and would respectfully recommend its passage, with the following amendments:

In section four, strike out the words "its passage," and insert "1st day of March, 1868."

W. E. CULLEN, *Chairman.*

On motion of Mr. Cullen, the report was adopted, and the amendments ordered engrossed for a third reading.

Mr. Rand introduced C. B. No. 10, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of Montana Merritory."

Read first and second time, and referred to the Committee of the Whole.

Mr. Rand introduced C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett."

Read first and second time, and referred to a special committee, consisting of Messrs. Rand, Corum, and Watson.

Mr. Watson introduced C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys."

Read first and second time, and referred to Committee of the Whole.

Mr. Corum, chairman of the Committee on Engrossment, reported the amendments to H. B. No. 3 as correctly engrossed.

Read third time, and passed by the following vote:
Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President.
Nay—Mr. Davis.
Absent—Mr. Orr.

Title agreed to.

H. B. No. 8, "An Act amendatory of an act entitled an act concerning crimes and punishments," was taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:
Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.
Absent—Mr. Orr.

Title agreed to.

The Council then resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through their Chief Clerk, announcing that C. B. No. 6, "An Act to prevent the collection of illegal toll," had passed the House, with the following amendments:

In 8th line of section 1, after the word "in," strike out the word "double," and insert "three times."

Add the following to section 1: "and shall, in addition thereto, pay a fine of not less than fifty, nor more than one hundred dollars, to be imposed and collected as fines in other cases, which fine shall be paid into the school fund of the county where the offense is committed."

Also, that the Council amendments to H. B. No. 3, "An Act to change the name of Edgerton county," have been concurred in.

C. B. No. 6, "An Act to prevent the collection of illegal toll," was taken up, and the bill read as amended by the House, whereupon, on motion of Mr. Orr, the amendments were concurred in.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 7 as correctly enrolled.

Mr. Cullen introduced C. B. No. 13, "An Act defining the duties of Territorial Superintendent of Public Instruction."

Read first and second time, and referred to the Committee of the Whole.

A communication from the House, through their Chief Clerk, Mr. Shields, announcing that Mr. Gallaher introduced H. B. No. 9, "An Act amendatory of an act entitled an act relative to elections."

Also, that C. B. No. 9 had passed the House.

A communication from the Governor, announcing certain appointments.

Whereupon, the Council went into executive session, and the following appointments were confirmed:

M. C. Larkin, Deer Lodge county; J. J. Healy and H. A. Kennerly, Chouteau county; M. Veale, of Madison county; as notaries public.

The executive session dissolved.

The Council resumed its session. Mr. President in the chair.

Mr. Davis introduced C. J. R. No. 3, "Authorizing the Auditor to issue certain warrants."

Read first and second time, and referred to the Committee on Ways and Means."

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Mr. Orr absent.

Mr. Rand, chairman of the Select Committee, to whom was referred C. B. No. 11, made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 11, "An Act to dissolve the bonds of matrimony between John W. Winslett and Louisa M. Winslett, beg leave to report, that they have had said bill under consideration, and recommend its passage.

JASPER RAND, *Chairman.*

On motion of Mr. Cullen, the report was adopted.

On motion of Mr. Rand, the rules were suspended, the bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

Title agreed to.

Mr. Corum, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 10, "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory," having duly considered the same, have instructed me to report the bill back to the Council, and recommend its passage, with the following amendments:

In section 2, after the word "dollars," in the 12th line, strike out the following: "Fourth, of all actions for a forcible or unlawful entry or unlawful detention of lands, tenements or other possessions;" and in same section, line 15, strike out the word "fifth," and insert "fourth."

At the end of section "Fourth," add the following: "except that the probate judge of Deer Lodge county shall hold terms as provided by law, at Phillipsburg, in said county, and may hold open court, the residue of the time, at the city of Deer Lodge in said county."

That section 5 be stricken out.

In section 6, after the word "other," strike out the rest of the section.

In section 7, line 4, after the word "days," strike out "nor more than ten."

I am also instructed to report C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," back to the Council, and recommend its passage, with the following amendments:

Strike out section 1, and insert the following, in lieu thereof: "That in all preliminary examinations in criminal cases in any county in this Territory, the county commissioners may appoint a suitable person, if they believe it necessary, to prosecute in each preliminary examination, whose services shall be paid by the county where the service shall be performed, the amount to be duly ascertained and allowed by the county commissioners thereof."

That section 2 of said act be stricken out, and that the title of

said bill be so amended as to read as follows: "An Act relating to preliminary examinations in civil cases."

A communication from the House through their Chief Clerk, Mr. Shields, announcing that—

H. J. R. No. 4, "Authorizing the Auditor to draw warrants in favor of H. J. Johnson," had passed the House.

Also, that H. J. R. No. 5, "Authorizing the Auditor to issue a certain warrant," had passed the House.

On motion of Mr. Watson, the report of the Committee of the Whole on C. B. No. 12, was rejected by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Watson.

Nays—Messrs. Orr, Rand, and Mr. President.

Mr. Orr offered the following amendment to the bill: After the word "county" in the first section, add "except the counties of Meagher, Deer Lodge, and Missoula."

On motion of Mr. Rand, the amendment was adopted by the following vote:

Ayes—Messrs. Corum, Orr, Rand, and Mr. President.

Nays—Messrs. Cullen, Davis, and Watson.

Mr. Rand offered a substitute to the bill, which was lost by the following vote:

Ayes—Messrs. Orr, Rand, and Mr. President.

Nays—Messrs. Corum, Cullen, Davis, and Watson.

On motion of Mr. Watson, the rules were suspended, and bill considered as engrossed for a third reading by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, and Watson.

Nays—Messrs. Davis, Rand, and Mr. President.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, and Watson.

Nays—Messrs. Davis, Rand, and Mr. President.

Title agreed to.

A communication from the House, through their Chief Clerk, Mr. Shields, announcing that—

H. J. R. No. 3, "Appropriating money for arsenal at Helena," had passed the House.

On motion of Mr. Corum, the report of the Committee of the Whole, on C. B. No. 10, was adopted, and the bill ordered engrossed for a third reading.

H. B. No. 1, "An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory," was then taken up and read first time by its title.

On motion of Mr. Cullen, the Council adjourned until to-morrow morning at 9½ o'clock.

SIXTH DAY.

DECEMBER 20, 1867.

The Council met at 9½ A. M.—President Bagg in the chair.

Roll called—Messrs. Davis and Rand absent.

On motion of Mr. Cullen, the Sergeant-at-Arms was ordered to bring in absentees.

Sergeant-at-Arms reported Messrs. Davis and Rand in their seats.

On motion of Mr. Cullen, a further call of the Council was dispensed with.

Journal of yesterday read and approved.

Mr. Rand gave notice that he would, on to-morrow, introduce a bill for the election of a Warden for the Territorial Prison.

H. J. R. No. 3, "Appropriating money for the erection of an armory at Helena."

Read first and second time, and referred to the Committee on Ways and Means.

H. J. R. No. 4, "Authorizing the Auditor to draw warrant in favor of H. J. Johnson."

Read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Davis, Orr, Rand, Watson, and Mr. President.

Nay—Mr. Cullen.

Mr. Corum absent.

Title agreed to.

H. J. R. No. 5, "Authorizing the Auditor to issue a certain warrant."

Read first and second time, and referred to the Committee on Ways and Means.

A communication from the House, through the Chief Clerk, announcing that—

H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana," had passed the House.

Also, that H. B. No. 9, "An Act to amend an act relative to elections," had passed the House.

Also, that H. C. R. No. 6, "To adjourn *sine die*, at 12 M., Dec. 23rd, 1867, had passed the House.

Also, that H. B. No. 5, "An Act amendatory of an act to establish the boundary line of Jefferson county," had been lost in the House.

Also, that Mr. Comly introduced H. B. No. 10, "An Act to incorporate the City of Helena."

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 3 as correctly engrossed.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Mr. Orr absent.

A communication from the House, through the Chief Clerk, announcing that—

C. B. No. 9, "An Act divorcing Rosa V. Van Vlerden and Abram H. Van Vlerden," had passed the House.

Also, that C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," had been laid on the table.

Also, that C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg," had passed the House, with the following amendments:

Amend section 1, by inserting between the word "Phillipsburg" and the word "and" in the 8th line, the words "and none other."

And in 10th line, between the words "thereof," and "as," insert the words "if one shall be appointed by said court."

H. C. R. No. 6, "To adjourn *sine die*, December 23, 1867, at 12 M."

Read first and second time, and laid on the table.

H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana."

Read first and second time, and referred to the Committee of the Whole.

H. B. No. 9, "An Act relative to elections."

Read first and second time, and referred to the Committee on Elections.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left with His Excellency the Governor,

C. B. No. 7, "An Act providing for the purchase of a suitable safe for the Auditor and Treasurer of Montana Territory,"

Also, C. B. No. 9, "An Act divorcing Rosa V. Van Vlerden and Abram H. Van Vlerden,"

At 2 P. M., December 20, A. D. 1867.

C. B. No. 3, "An Act to provide for the collection of revenue."

Read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

A communication from the Governor, announcing certain appointments.

Whereupon the Council went into Executive session. Mr. Cullen in the chair.

The following appointments were duly confirmed :

Henry R. Horr, and A. M. S. Carpenter, as notaries public.

The executive session dissolved.

The Council resumed its session—Mr. President in the chair.

On motion of Mr. Corum, the Council adjourned until tomorrow morning at 10 o'clock.

SEVENTH DAY.

DECEMBER 21, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Messrs. Davis and Orr absent.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Elections, made the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred H. B. No. 9, "An Act to amend an act relative to elections," after carefully examining the same, beg leave to report it back to the Council, and recommend its passage without amendment.

J. W. CORUM,
Chairman Committee on Elections.

On motion of Mr. Rand, the report was adopted.

Mr. Watson, chairman of the Committee on Ways and Means, made the following report:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred H. J. M. No. 3, "Appropriating money to build armory building at the City of Helena," beg leave to report the same back to the Council, with an amendment: "appropriate six hundred dollars to build an armory in Missoula county," and recommend the passage of the same.

T. WATSON, *Chairman.*

On motion of Mr. Rand, the report was adopted.

Mr. Watson, chairman of the Committee on Ways and Means, made the following report:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred C. J. M. No. 3, "For the relief of L. C. Lee and others," and H. J. R. No. 5, "For the relief of A. G. Prosser," beg leave to report the same back to the Council, without amendment, and recommend that the same be re-referred to the Committee of the Whole.

T. WATSON, *Chairman.*

On motion of Mr. Corum, the report was adopted.

Mr. Rand introduced C. B. No. 14, "An Act to provide for the government of the penitentiary of the Territory of Montana."

Read first and second time, and referred to the Committee of the Whole.

Mr. Corum introduced C. B. No. 15, "An Act repealing part of section 5th of an act entitled an act relating to the discovery of gold and silver quartz leads, lodes or ledges, and the manner of their location."

Read first and second time, and referred to the Committee of the Whole.

C. B. No. 1, "An Act to provide for holding regular terms of the probate court at Phillipsburg, in Deer Lodge county," was taken up, and the amendments of the House concurred in.

A communication from the House, through the Chief Clerk, announcing that C. B. No. 3, "An Act to provide for the collection of revenue," had passed the House.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 6, "An Act to prevent the collection of illegal toll," as correctly enrolled.

A communication from the House, through the Chief Clerk, announcing that Mr. Gallaher introduced H. B. No. 11, "An Act to amend an act for the location of the seat of government of Montana Territory."

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Members all present.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg," also C. B. No. 3, "An Act providing for the collection of revenue," as correctly enrolled.

A communication from the House, through their Chief Clerk, announcing that C. B. No. 4, "An Act to amend an act regulating the fees of officers, jurors and witnesses," had passed the House.

Also, that H. B. No. 12, "An Act to provide extra compensation to James Tufts," had passed the House.

Also, that H. B. No. 14, "An Act to re-enact an act entitled an act to authorize Owen Gilmore and H. P. Lowery to establish and maintain a ferry or toll bridge across Sun river," had passed the House.

A communication from the Governor, through Mr. Cummings, his Private Secretary:

MR. PRESIDENT—His Excellency the Governor directs me to inform the Council that he has approved—

C. B. No. 9, "An Act divorcing Rosa V. Van Vlerden and Abram H. Van Vlerden."

Also, C. B. No. 7, "An Act providing for the purchase of a suitable safe for the office of Auditor and Treasurer of Montana."

H. B. No. 1, "An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana," was read a second time. On motion of Mr. Watson, the following amendments were adopted:

In section 463, line 3, strike out "five hundred," and insert "fifty." In same section, strike out all after the word "dollars."

In section 468, line 2, strike out "five hundred," and insert "fifty." In same section, strike out all after the word "dollars."

In section 484, line 2, strike out the word "double."

In section 504, after the word "that," in first line, insert the following: "An Act to regulate the proceedings of attachments in civil cases, approved December 10, 1867."

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, and Watson.

Nays—Mr. Davis, and Mr. President.

Title agreed to.

The Council then resolved itself into a Committee of the Whole, on C. B. No. 13.

Mr. Cullen in the chair.

The committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Davis introduced C. B. No. 15, "An Act to amend an act entitled an act to define the boundary lines of Deer Lodge, Beaver Head, and Madison counties."

Read first and second time, and referred to the Committee on Towns and Counties.

On motion of Mr. Cullen, the Council adjourned until Monday morning at 10 o'clock.

EIGHTH DAY.

DECEMBER 23, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Members all present.

Journal of Saturday read and approved.

A communication from His Excellency the Governor, through his Private Secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved Council Bill No. 1, entitled "An Act providing for holding regular terms of the probate courts of Deer Lodge county, at Phillipsburg, in said county."

Also, C. B. No. 6, entitled "An Act to prevent the collection of illegal toll."

Also, C. B. No. 3, entitled "An Act providing for the collection of revenue."

I am also directed by the Governor to deliver a message in writing.

Mr. Cullen, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 13, entitled "An Act to define the duties of Territorial Superintendent of Public Instruction," have instructed me to report the said bill back to the Council, with the recommendation that it pass, with the following amendments, viz.:

Strike out section 3, and insert the following:

"SECTION 3. That it shall be the duty of the Superintendent of Public Instruction to see that the county superintendents shall draw and distribute all moneys in the treasury of their several

counties as is now prescribed by law, and report the same in his annual report."

Also, in line 2, section 6, after the word "Territory," insert "And he shall give notice of his place of residence by publication for at least three successive weeks in some newspaper published in the Territory."

W. E. CULLEN, *Chairman.*

On motion of Mr. Rand, the report was adopted, and the bill ordered engrossed.

Mr. Corum, chairman of the Committee on Engrossment, then reported C. B. No. 13 as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

C. B. No. 10, "An Act to regulate the proceedings and define the jurisdiction of the probate courts of Montana Territory," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

Mr. Corum, chairman of the Committee on Towns and Counties, made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred C. B. No. 15, "An Act amendatory of an act entitled an act to define the boundary lines of Deer Lodge, Beaver Head and Madison counties, approved December 10, 1867," beg leave to report the same back to the Council for its further consideration.

J. W. CORUM, *Chairman.*

On motion of Mr. Cullen, the report was adopted.

Mr. Bagg offered the following amendment, which was adopted:

Insert after the word "thence," in sixth line, "In a direct line to Parsons' Bridge on the Jefferson river."

On motion of Mr. Davis, bill considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson.

Nay—Mr. President.

Title agreed to.

Mr. Bagg introduced C. B. No. 16, "An Act to legalize the location of quartz claims in Montana."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Title agreed to.

A communication from the House, announcing that—

H. B. No. 2, "An Act to provide for organizing and disciplining the militia of Montana Territory," had passed the House.

Also, H. B. No. 10, "An Act to incorporate the city of Helena," had passed the House.

H. J. R. No. 3, "Appropriating money for armory at Helena," read first and second time," rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson.

Nay—Mr. President.

Title agreed to.

A communication from the House, through the Chief Clerk, announcing that—

C. B. No. 10, "An Act defining the jurisdiction of the probate courts of Montana Territory," had passed the House.

The Council then resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left—

C. B. No. 1, "An Act providing for holding regular terms of the probate courts of Deer Lodge county, at Phillipsburg, in said county,"

Also, C. B. No. 6, "An Act to prevent the collection of illegal toll,"

Also, C. B. No. 3, "An Act to provide for the collection of revenue,"

With the Governor, at 2 P. M., December 21st, 1867.

A communication from the House, through the Chief Clerk, announcing that—

H. B. No. 15, "An Act to dissolve the bonds of matrimony between G. Jules Germain and Maria Germain,"

Also, that C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys,"

Also, that H. B No. 16, "An Act to dissolve the bonds of matrimony existing between George W. Hacker and Mary Jane Hacker,"

Had passed the House.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 10, "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory," as correctly enrolled.

A communication from the House, through the Chief Clerk, announcing that—

H. J. R. No. 9, "Requesting the Secretary to publish certain acts," had passed the House.

Also, H. B. No. 17, "An Act to repeal an act to incorporate the city of Nevada," had passed the House.

Also, that H. B. No. 18, "An Act to dissolve the bonds of matrimony between Edward McBroom and Margaret McBroom," had passed the House.

On motion of Mr. Orr, H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of

Montana," was taken from the Committee of the Whole, amendments adopted, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, and Watson.

Nays—Mr. Rand, and Mr. President.

Title agreed to.

On motion of Mr. Watson, H. J. R. No. 5, "Appropriating money to A. G. Prosser," was taken from the Committee of the Whole, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, and Watson.

Nays—Mr. Rand, and Mr. President.

Title agreed to.

C. J. R. No. 3, "Appropriating money to L. C. Lee *et al.*, taken from the Committee of the Whole, read third time, and passed by the following vote:

Ayes—Messrs. Davis, Rand, Watson, and Mr. President.

Nays—Messrs. Corum, Cullen, and Orr.

Title agreed to.

C. B. No. 4, "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver quartz leads," was taken from the Committee of the Whole, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson.

Nay—Mr. President.

Title agreed to.

C. B. No. 4, taken up, and the amendments of the House not concurred in by the following vote:

Aye—Mr. Corum.

Nays—Messrs. Cullen, Davis, Orr, Rand, Watson, and Mr. President.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Members all present.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," as correctly enrolled.

Mr. Davis introduced C. B. No. 17, "An Act concerning fines."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Rand, Watson, and Mr. President.

Nays—Messrs. Cullen and Orr.

Title agreed to.

H. B. No. 17, "An Act to repeal an act to incorporate the city of Nevada," taken up, read first and second time, rules suspended, considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, Rand, Watson, and Mr. President.

Nay—Mr. Cullen.

Title agreed to.

Mr. Corum, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 14, "An Act to provide for the government of the Penitentiary of the Territory of Montana," beg leave to report the same back, and recommend its passage, with the following amendments:

In section 3, line 4, after the word "constructed," insert the following: "or any portion thereof."

In section 4th, line 6th, after the word "for," strike out "three," and insert "two."

At the end of section 14, add the following:

"*Provided*, That no warden or attachee shall enter upon their duties, or receive pay, unless so directed by the order of said Prison Commissioners."

Add the following at the end of section 15: "and shall receive the sum of eight dollars per day while sitting as a board, and shall receive thirty cents per mile for traveling to and from said sessions, to be paid out of the treasury of this Territory."

Mr. Corum introduced C. J. R. No. 4, "Appropriating money to S. S. Chamberlain and A. C. Hill."

Read first and second time, rules suspended, considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 14, "An Act to provide for the government of the Penitentiary of the Territory of Montana," as correctly engrossed.

Bill read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President.

Nays—Messrs. Orr and Watson.

Title agreed to.

On motion of Mr. Bagg, the following resolution was adopted:

Resolved, That inasmuch as the amendments to the Civil Practice Act, wherein it originally said "five hundred dollars," was amended to read "fifty dollars," by the Council, and whereas the House concurred in said amendments, and that a mistake has been made in enrolling the said bill, therefore we ask the unanimous consent of the House, that the Civil Practice Act be sent back to the said House of the Legislative Assembly of this Territory for immediate correction.

A communication from the Governor, through his secretary, Mr. Cummings:

MR. PRESIDENT—I am instructed by the Governor to inform the Council that he has approved C. B. No. 10, "An Act to regulate proceedings and define the jurisdiction of the probate courts of the Territory of Montana."

H. B. No. 18, "An Act to dissolve the bonds of matrimony between Edward McBroom and Margaret McBroom."

Read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President.

Nays—Messrs. Orr and Watson.

Title agreed to.

H. B. No. 16, "An Act to dissolve the bonds of matrimony existing between George W. Hacker and Mary Jane Hacker."

Read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Watson.

Nays—Mr. Orr, and Mr. President.

Title agreed to.

H. J. M. No. 8. Read first and second time, rules suspended, memorial considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

A communication from the House, through their Chief Clerk, announcing that—

H. J. M. No. 10, and C. B. No. 16, had passed the House.

Also, that C. B. No. 13 had passed the House, with amendments.

Also, that H. B. No. 19 had passed the House.

Also, that H. B. No. 11, "An Act to amend an act for the location of the seat of government in and for the Territory of Montana," had been laid on the table.

Also, that C. B. No. 15 had passed the House.

A communication from the Governor, through his private secretary, announcing certain appointments.

Whereupon the Council went into executive session. Mr. Cullen in the chair.

The following persons were duly confirmed as Notaries Public:

Messrs. Owen Garrison, James H. Wood, J. C. Kerly, W. E. Cullen, and E. R. Collins.

The executive session dissolved.

The Council resumed its session. Mr. President in the chair.

H. B. No. 15, "An Act to dissolve the bonds of matrimony between G. Jules Germain and Maria Germain," taken up, read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President.
Nays—Messrs. Orr and Watson.

Title agreed to.

H. J. R. No. 9 was taken up, read first and second time, and

On motion of Mr. Rand, laid on the table until 7 P. M.

A communication from the House, through their Chief Clerk, announcing that—

C. B. No. 14, "An Act to provide for the government of the penitentiary of the Territory of Montana," had passed the House.

H. B. No. 10, "An Act to incorporate the city of Helena," was taken up, read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson.
Nay—Mr. President.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 15 as correctly enrolled.

A communication from the House, through their Chief Clerk, announcing that—

C. B. No. 14, No. 2, had passed the House.

H. B. No. 14 was then taken up, read first and second time, rules suspended, considered as engrossed, read third time, and lost by the following vote:

Ayes—Messrs. Corum and Davis.

Nays—Messrs. Orr, Rand, Watson, and Mr. President.

Mr. Bagg gave notice that he would move a reconsideration of the vote by which the bill was lost.

A communication from the House, through their Chief Clerk, announcing that—

The House had receded from amendments to C. B. No. 14.

H. J. M. No. 10, "Asking for appropriations to remove obstructions in Missouri river, above the American Falls."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, Rand, and Mr. President.

Nay—Mr. Watson.

Absent—Mr. Cullen.

Title agreed to.

C. B. No. 13 was taken up, and the amendments of the House not concurred in.

A communication from the House, announcing that—

The Council amendments to H. B. No. 1, had been correctly enrolled in the bill.

On motion of Mr. Bagg, the vote by which H. B. No. 14, "An Act to re-enact an act entitled an act to authorize Owen Gilmore and M. P. Lowry to establish a ferry across Sun river," was lost, was reconsidered.

The question now being, shall this bill pass?

It was decided in the affirmative by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President.

Nays—Messrs. Rand and Watson.

Mr. Orr excused.

Title agreed to.

H. B. No. 19, "An Act to re-enact an act to authorize Ray W. Andrews to establish a ferry across the Missouri river."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President.

Nays—Messrs. Rand and Watson.

Mr. Orr excused.

Title agreed to.

H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana," was taken up, read first and second time, and

On motion of Mr. Rand, was made the special order for 8 o'clock this evening.

H. B. No. 13, "An Act to repeal an act entitled an act to incorporate the Upper Missouri River Steamboat Navigation Company."

Read first and second time, and

On motion of Mr. Orr, laid on the table for further consideration.

A communication from the Governor, through his Private Secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council, that he has this day approved—

C. B. No. 15, entitled "An Act amendatory of an act entitled an act to define the boundary lines of Deer Lodge, Beaver Head, and Madison counties, approved December 10, 1867."

Also, C. B. No. 12, entitled "An Act in relation to the appointment of deputy district attorneys."

Mr. Cullen, chairman of the Committee on Enrollment, reported—

C. B. No. 14, No. 1, "An Act to provide for the government of the penitentiary of the Territory of Montana,"

Also, C. B. No. 14, No. 2, "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver quartz leads, loads or ledges, and the manner of location,"

Also, C. B. No. 16, "An Act to legalize the location of quartz claims in the Territory of Montana,"

As correctly enrolled.

A communication from the House, through their Chief Clerk, announcing that the House had refused to concur in the Council amendments to H. J. R. No. 3, "An Act appropriating money for arsenal at Helena," and that the House had appointed Messrs. Word and Comly as a conference committee, to act in conjunction with a like committee from the Council, to take action in relation to the disagreement on C. B. No. 13; whereupon Messrs. Cullen and Watson were appointed on the part of the Council.

A communication from the House, announcing that C. B. No. 11, "An Act to dissolve the bonds of matrimony between J. W. and Louisa M. Winslett," had passed the House.

H. B. No. 12, "An Act to provide extra compensation to the Secretary of Montana."

Read first and second time, rules suspended, bill considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, and Mr. President.

Nays—Messrs. Davis and Watson.

Absent—Mr. Cullen.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left with the Governor C. B. Nos. 14, 15, and 16, at 4 P. M., December 23, 1867.

Mr. Davis introduced C. B. No. 17, "An Act concerning fines."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Rand, Watson, and Mr. President.

Nays—Messrs. Cullen and Orr.

Title agreed to.

On motion of Mr. Bagg, the Council took a recess until 6 P. M.

EVENING SESSION.

The Council met at 6 P. M. President Bagg in the chair.

Roll called—Messrs. Cullen, Orr, and Davis, absent.

On motion of Mr. Rand, a call of the House was ordered.

Roll called—Absent, Messrs. Cullen, Orr, and Davis.

The Sergeant-at-Arms ordered to bring in absentees.

Sergeant-at-Arms reported Messrs. Davis, Cullen, and Orr, in their seats.

On motion of Mr. Rand, a further call of the Council was dispensed with.

Mr. Cullen, chairman of the Committee on Enrollment, reported—

C. B. No. 4, "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses,"

Also, C. B. No. 11, "An Act to dissolve the bonds of matrimony between John W. and Louisa M. Winslett,"

As correctly enrolled.

Mr. Cullen, chairman of the Committee on Conference, made the following report:

MR. PRESIDENT—Your Committee of Conference, appointed to meet a like committee on the part of the House, with reference to the disagreement between the two Houses relative to the House amendments to C. B. No. 13, beg leave to report that they have had the same under consideration, and would recommend that the Council concur in the House amendments.

W. E. CULLEN, *Chairman.*

On motion of Mr. Rand, the report was adopted.

On motion of Mr. Corum, the amendments of the House to the bill were then concurred in.

H. B. No. 13, "An Act to repeal an act entitled an act to incorporate the Upper Missouri River Steamboat Company," was taken from the table, on motion of Mr. Rand.

On motion of Mr. Bagg, the bill was indefinitely postponed.

Mr. Bagg moved that the vote by which the bill was indefinitely postponed, be reconsidered, and that motion be laid on the table, which was laid on the table by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

A communication from the Governor, through his Private Secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved—

C. B. No. 14, entitled "An Act to provide for the government of the penitentiary of the Territory of Montana."

Also, C. B. No. 15, entitled "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver quartz lodes, approved December 26, 1867."

Also, C. B. No. 16, entitled "An Act to legalize the location of quartz claims in the Territory of Montana."

Also, C. B. No. 4, entitled "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses."

On motion of Mr. Bagg, H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana," was taken up.

Mr. Bagg offered a substitute for the bill, which was lost by the following vote:

Ayes—Messrs. Davis, and Watson.

Nays—Messrs. Corum, Cullen, Orr, and Mr. President.

Absent—Mr. Rand.

On motion of Mr. Corum, the bill was indefinitely postponed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President.

Nays—Messrs. Orr, Rand, and Watson.

A communication from the House, through their Chief Clerk, announcing—

That H. J. R. No. 7, "Authorizing the Auditor to issue warrants in favor of D. W. Tilton & Co.," had been laid on the table.

Also, that H. J. R. No. 11, "Authorizing the Auditor to draw certain warrants," had passed the House.

Mr. Rand introduced C. C. R. No. 5, "Asking the House to meet Council in joint convention at 10 A. M. to-morrow.

Read first and second time.

Mr. Orr offered the following amendment:

Amend by striking out the words "10 o'clock A. M., December 24," and insert "9 o'clock to-night."

On motion of Mr. Rand, laid on the table.

The resolution was then read a third time, and lost by the following vote:

Ayes—Messrs. Cullen, Rand, and Mr. President.

Nays—Messrs. Corum, Davis, Orr, and Watson.

A motion by Mr. Bagg, that the Council take a recess until to-morrow morning at 9 o'clock, was lost by the following vote:

Ayes—Messrs. Cullen, Rand, and Mr. President.

Nays—Messrs. Corum, Davis, Orr, and Watson.

Mr. Bagg introduced C. B. No. 18, "An Act in relation to invasion, and for other purposes."

Read first time.

A motion by Mr. Rand, that the Council adjourn until to-morrow morning at 9 o'clock, was lost by the following vote:

Ayes—Messrs. Cullen, Rand, and Mr. President.
Nays—Messrs. Corum, Davis, Orr, and Watson.

A motion by Mr. Cullen, that the Council take a recess until 11 o'clock P. M. was lost by the following vote:

Ayes—Messrs. Cullen, Rand, and Mr. President.
Nays—Messrs. Corum, Davis, Orr, and Watson.

A communication from the House, through their Chief Clerk, announcing that—

C. J. R. No. 3 had passed the House, with amendments.

Also, that C. B. No. 17, "An Act concerning fines," had passed the House.

C. B. No. 18 read second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Rand, Watson, and Mr. President.
Nays—Messrs. Cullen and Orr.

Title agreed to.

C. J. R. No. 3 was then taken up, and the amendments of the House concurred in by the following vote:

Ayes—Messrs. Corum, Orr, Rand, and Watson.
Nays—Messrs. Cullen, Davis, and Mr. President.

A motion by Mr. Bagg that this Council take a recess until to-morrow, at 9 o'clock A. M., was lost by the following vote:

Aye—Mr. Corum.
Ayes—Messrs. Cullen, Davis, Orr, Rand, Watson, and Mr. President.

H. J. R. No. 11, "Authorizing the Auditor to issue certain warrants," read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Davis, Orr, Rand, Watson, and Mr. President.

Absent—Messrs. Corum and Cullen.

Title agreed to.

On motion of Mr. Bagg, the Council took a recess until tomorrow morning, at 9 o'clock.

MORNING SESSION.

DECEMBER 24, 1867.

The Council met at 9 A. M. President Bagg in the chair.

Roll called—Messrs. Davis and Orr absent.

Mr. Cullen reported C. B. No. 3 as correctly enrolled.

Mr. Corum introduced C. J. R. No. 5, "In relation to a joint convention."

Read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President.

Nay—Mr. Rand.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 17, "An Act concerning fines," as correctly enrolled.

A communication from the House, through their Chief Clerk, announcing that the House had passed C. J. R. No. 5, "In relation to a joint convention."

Mr. Cullen reported C. J. R. No. 3, "Appropriating money to L. C. Lee *et al.*," as correctly enrolled.

Also, that he had left C. B. Nos. 4 and 11 with His Excellency the Governor at 6.30 P. M., December 23d, 1867.

H. B. No. 9, "An Act to amend an act in relation to elections," was taken up, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, and Mr. President.

Nays—Messrs. Rand and Watson.

Absent—Messrs. Cullen and Davis.

Title agreed to.

A communication from the Governor, by his Private Secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved C. B. No. 13, entitled "An Act to define the duties of Territorial Superintendent of Public Instruction."

Mr. Cullen, chairman of the Committee on Enrollment, reported that he left—

C. J. R. No. 3, "Appropriating money to L. C. Lee *et al.*, for the arrest of J. D. Judd,"

Also, C. B. No. 17, "An Act concerning fines,"

With His Excellency the Governor, at 10 A. M., December 24, 1867.

A communication from the House, through their Chief Clerk, Mr. Shields, announcing that C. J. R. No. 4, "Appropriating money to Chamberlain and Hill," had been laid on the table.

The hour having arrived, the Council repaired to the House, in conformity to C. J. R. No. 5.

JOINT CONVENTION.

The Joint Convention met at 10.30 A. M. President Bagg in the chair.

Roll called—Messrs. Anderson, Kennerly, and Simms, absent.

On motion of Mr. Cullen, the Convention went into the election of Commissioners for the Territorial Prison.

Mr. Corum nominated Mr. Stewart.
Mr. Davis nominated Phillip E. Evans.
Mr. Boswell nominated Mr. Hardenbrook.
Mr. Watson nominated Mr. Sturgis.
Mr. Davis nominated T. L. Irvine.
Mr. Weston nominated William Parberry.
Mr. Comly nominated W. B. Dance.

On motion of Mr. Patton, the following persons were appointed as tellers: Messrs. Patton and Gallaher.

The Convention then proceeded to vote by ballot.
Mr. Wellington Stewart received eight votes.
Mr. Hardenbrook received five votes.
Mr. Phillip E. Evans received eleven votes.
Mr. Irvine received ten votes.
Mr. Parberry received seven votes.
Mr. Dance received six votes.
Mr. Sturgis received four votes.

Messrs. Irvine, Stewart, and Evans, having received a majority of all the votes cast, were declared elected as Commissioners of the Territorial Prison.

The Convention then proceeded to the election of a Territorial Prison Warden.

Mr. Comly nominated Thomas B. Wade.
Mr. Rand nominated H. H. Showers.
Mr. Cullen nominated Mr. Parsons.
Mr. Boswell nominated John H. Rodgers.

The Convention then proceeeded to take the first ballot.
Mr. H. H. Showers received seven votes.
Mr. Thomas B. Wade received seven votes.
Mr. Parsons received two votes.
Mr. John H. Rodgers received one vote.
Whole number of votes cast, seventeen. Necessary to a choice, nine.

There being no election, the Convention proceeded to the second ballot.

Mr. Rodgers received one vote.
Mr. H. H. Showers received seven votes.
Mr. Thomas B. Wade received nine votes.

Whole number of votes cast, seventeen. Necessary to a choice, nine.

Mr. Wade having received a majority of all the votes cast, was declared elected as Warden of the Territorial Prison.

Mr. Stewart tendered his resignation as Commissioner, which was accepted, and

On motion of Mr. Boswell, Mr. Frank Wells was elected by acclamation to fill the vacancy.

On motion of Mr. Rand, the Convention dissolved.

The Council resumed its session. Mr. President in the chair.

Roll called—Members all present.

A communication from the Governor, announcing certain appointments.

Whereupon the Council went into executive session. Mr. Cullen in the chair.

The following persons were confirmed as notaries public: F. R. Bill, and Thomas L. Napton.

The executive session dissolved.

The Council resumed its session. Mr. President in the chair.

A communication from His Excellency the Governor, through his private secretary, Mr. Cummings, announcing—

That the Governor had this day approved C. J. R. No. 3, "Appropriating money to L. C. Lee *et al.*, for the arrest of J. D. Judd."

Mr. Cullen, chairman of the Committee on Enrollment, reported that C. B. No. 13, "An Act defining the duties of Territorial Superintendent of Public Instruction," had been left with the Governor at 9.30 A. M., December 24, 1867.

Mr. Bagg introduced C. J. R. No. 6, "Appropriating money to James B. Powell."

Read first and second time, rules suspended, resolution considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President. Messrs. Orr and Watson absent.

Title agreed to.

A communication from the House, through the Chief Clerk, announcing that the following resolution had passed the House:

Resolved, By the House, the Council concurring, That the Legislative Assembly do adjourn *sine die*, this December 24, 1867, at 10 P. M.

Also, that C. B. No. 18, "An Act in relation to invasion, and for other purposes," had passed the House by a substitute.

The resolution in relation to adjournment was then taken up and concurred in.

On motion of Mr. Corum, a call of the Council was made.

Roll called—Mr. Watson and Mr. President absent.

The Sergeant-at-Arms reported Mr. Watson and Mr. President in their seats.

On motion of Mr. Rand, a further call of the Council was dispensed with.

C. B. No. 18, "An Act in relation to invasions, and for other purposes," was then taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and lost by the following vote:

Ayes—None.

Nays—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Mr. Bagg moved that the vote by which the bill was lost, be reconsidered, and that the motion be laid on the table.

Which was laid on the table accordingly.

A communication from the Governor, through his private secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council, that he has this day approved C. J. R. No. 6, "To appropriate $300 to James B. Powell, for services rendered."

A communication from the House, through their Chief Clerk, announcing that—

C. J. R. No. 6 had passed the House.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. J. R. No. 6 as correctly enrolled.

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Mr. Orr absent.

Mr. Rand introduced C. B. No. 19, "An Act amendatory of an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

Title agreed to.

A communication from the Governor, through his private secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council, that he has approved C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett."

Mr. Corum offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the Governor, to act with a similar committee from the House, to

inform him that they have completed their business, and have adopted a joint resolution to adjourn this day at 10 P. M., and inquire if His Excellency has any further communication to make.

On motion of Mr. Rand, the resolution was adopted.

Whereupon the President appointed Messrs. Corum, Davis and Cullen as such committee.

A communication from the House, through the Chief Clerk, Mr. Shields, announcing that—

H. J. R. No. 12, "In relation to Indians, and the policy of the government regarding the same," had passed the House.

Also, that H. B. No. 19, "An Act amendatary of an act entitled an act to regulate proceedings in civil cases, in courts of justice of the Territory of Montana," had passed the House.

H. J. M. No. 12 was then taken up, read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President.

Nay—Mr. Orr.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 19 as correctly enrolled.

A communication from the House, through the Chief Clerk, announcing that—

The House had concurred in the Council resolution appointing a committee to wait on His Excellency the Governor, and inquire if he has any further communication to make, and had appointed as such committee on the part of the House, Messrs. Boswell, Patton and Tennant.

On motion of Mr. Rand, the Council took a recess until 6 P. M.

EVENING SESSION.

The Council met at 6 P. M. President Bagg in the chair.

Roll called—Mr. Rand absent.

Sergeant-at-Arms ordered to bring in absentee.

Sergeant-at-Arms reported Mr. Rand in his seat.

A communication from His Excellency the Governor, through his private secretary, announcing that—

The Governor had this day approved C. B. No. 19, "An Act amendatory of an act entitled an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, approved Dec. 23, 1867."

A communication from the House, through the Chief Clerk, Mr. Shields, announcing that the following resolution had passed the House:

Resolved, By the House, the Council concurring, That this Legislative Assembly adjourn *sine die*, at 7 P. M. this 24th of December, 1867, and a resolution to adjourn at 10 P. M. is hereby annulled.

Mr. Corum, chairman of the Committee to wait upon His Excellency the Governor, reported that they had performed that duty, and that the Governor had requested them to announce to the Council that he had no further communication to make.

On motion of Mr. Corum, the Council concurred in the House resolution in relation to adjournment at 7 P. M.

Journal read and approved.

The hour having arrived at which the Legislative Assembly agreed to adjourn—

The President declared the Council adjourned *sine die*.

(Signed) CHAS. S. BAGG,
President of the Council.

Attest: THOS. B. WADE,
Chief Clerk.

COUNCIL CHAMBER, VIRGINIA CITY, M. T.
December 24, 1867.

I, Thomas B. Wade, Chief Clerk of the Council, do hereby certify that the above and foregoing is a full, true and complete journal of the proceedings had at the Extraordinary Session of the Legislative Assembly of the Territory of Montana.

THOS B. WADE,
Chief Clerk.

Attest:

CHAS. S. BAGG,
President of the Council.

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